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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,072	09/10/2003	Grec M. Anliker	03118	2746

7590 11/01/2005
GREG M. ANLIKER
249 BROOKSIDE DRIVE
ELGIN, IL 60123-4802

EXAMINER

NGUYEN, CHI Q

ART UNIT PAPER NUMBER

3635

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/659,072	Applicant(s) ANLIKER, GREG M.	
	Examiner Chi Q. Nguyen	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 15-25 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6 is/are allowed.
- 6) ☒ Claim(s) 7-9 and 11-14 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>attachment</u> . |

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121.

I. Claims 1-14, drawn to apparatus of a conduit box in a building structure, classified in, classified in class 52, subclass 220.1.

II. Claims 15-20, drawn to a method of installing conduit box, classified in class 174.

III. Claims 21-25, drawn to a method of manufacturing a conduit device, classified in class 29

The inventions I and II are related as product and product of use. The inventions are distinct if either of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product. In the instant case, a different method of installing a conduit box by using fasteners.

The inventions I and III are related process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process. In the instant case, the utility cables could be protected by PVC pipes.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purpose as indicated is proper.

A telephone called to Mr. Meroni Charles on 10/20/2005 to request an oral election and the election was made to group I (claims 1-14) without traverse thus claims 15-25 are being drawn to non-elective claims.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which

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applicant regards as the invention. With regard claim 7, the cited limitation "a pair of flanges being disposed in a common plane relative to one another and at right angles to the sidewalls below the bevel portions to extend outwardly from the bevel portion and the sidewalls" is confusing because it's not clear that the flanges extend from the bevel portions or below the bevel portions. Since depending claims 8-14 are depending on claim 7 are also rejected.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 7-9 and 11-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Halbert (US 6,881,900).

In regard claims 7, 9, Halbert discloses a device comprising a box 20c. The box having a top A (see attachment of figure 4c), a front, a back 26c, opposing sidewalls W, the top includes bevel portions B downwardly extending from the top to the sidewalls while the sidewalls vertically extend from the bevel portions, a pair of flanges being disposed in a common plane relative to one another and at right angles (since the flanges are straight and the part of the sidewalls are vertically extended) to the sidewalls below the bevel portions to extend outwardly from the bevel portions and the sidewall.

In regard claim 8, Halbert discloses the claimed invention as stated, wherein the sidewalls are longer than the bevel portions (see figure 4c).

In regard claims 11, 12, since the independent claim 7 is drawn to only a subcombination of a device and the combination with the deck is not positively claimed thus not being patentable considered.

In regard claim 13, Halbert discloses the claimed invention as stated, wherein the flanges 22c having a plurality of holes for nails, screws or other fasteners (see column 5, lines 3-4).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Halbert in view of Beadle (US 6,796,684).

In regard claim 14, Halbert teaches the claimed invention as stated including a plurality of concentric holes or conduits C (see attachment of figure 4c). However, Halbert does not teach specifically the device further comprising a plurality of concentric knockouts. Beadle teaches electrical box 10 comprising a plurality of knockouts 24 (figure 1). At the time of the invention, it would have been obvious to one having an ordinary skill in the art to combine Halbert with Beadle for the plurality of knockouts. The

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motivation for doing so would have been to conveniently provide conduits for electrical wires when needed otherwise provide covers for protecting dust.

Allowable Subject Matter

Claims 1-6 are allowed.

Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Reiker, Gretz, Maison, Meeks, Schindler, Gretz, Kiermaier, Rinderer, MacDonald, Carson, McShane, and Gretz teach electrical conduit box.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Chi Q. Nguyen whose telephone number is (571) 272-6847, Mon-Thu (7:00-5:30), Fridays off or examiner's supervisor, Carl Friedman can be reached at (571) 272-6842. The examiner's right fax number is (571) 273-6847.

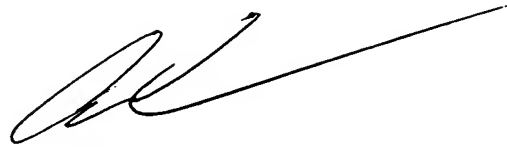
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pairdirect.uspto.gov>. Should you

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have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197.

10/26/2005

CP
CQN

A handwritten signature in black ink, appearing to read 'Carl D. Friedman', with a long horizontal stroke extending to the right.

Carl D. Friedman
Supervisory Patent Examiner
Group 3600

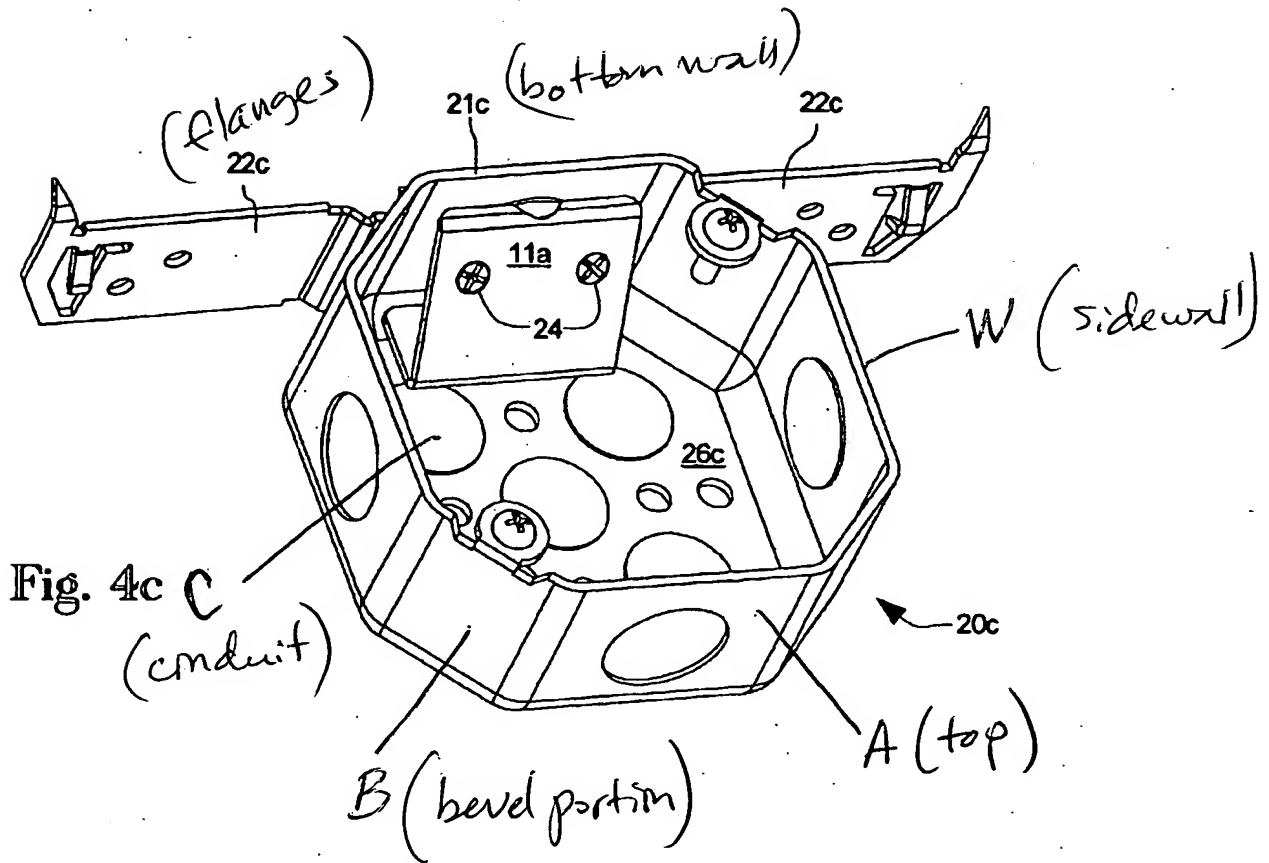


Fig. 7

